

Mark D. Selwyn (SBN 244180)
mark.selwyn@wilmerhale.com
WILMER CUTLER PICKERING
HALE AND DORR LLP
2600 El Camino Real, Suite 400
Palo Alto, CA 94306
Telephone: (650) 858-6031

James M. Dowd (SBN 259578)
james.dowd@wilmerhale.com
WILMER CUTLER PICKERING
HALE AND DORR LLP
350 South Grand Avenue, Suite 2400
Los Angeles, CA 90071
Telephone: (213) 443-5300

Taylor Gooch (SBN 294282)
taylor.gooch@wilmerhale.com
WILMER CUTLER PICKERING
HALE AND DORR LLP
One Front Street, Suite 3500
San Francisco, CA 94111
Telephone: (628) 235-1000
Attorneys for Non-Parties Broadcom Inc. and Broadcom Corp.

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

CALIFORNIA INSTITUTE OF
TECHNOLOGY,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD. and
SAMSUNG ELECTRONICS AMERICA,
INC.,

Defendants.

Case No. 5:22-MC-80318

E.D. Tex. Case No. 2:21-CV-0446-JRG

**DECLARATION OF AMANDA SWAIM
IN SUPPORT OF CALTECH'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL PURSUANT TO L.R. 79-5**

1 I, Amanda Swaim, declare:

2 1. I am Senior IP Counsel at Broadcom Inc. I have personal knowledge of the facts
3 set forth in this Declaration and, if called as a witness, could and would competently testify to
4 them.

5 2. Plaintiff California Institute of Technology's ("Caltech") Motion seeks to file under
6 seal information filed under seal by non-parties Broadcom Inc. and Broadcom Corp. (collectively,
7 "Broadcom") and designated as "Confidential – Attorneys' Eyes Only" or "Highly Confidential –
8 Attorneys' Eyes Only" pursuant to the Protective Order in *California Institute of Technology v.*
9 *Broadcom Ltd., et al.*, No. 2:16-cv-03714 (C.D. Cal.), Dkt. 101.

10 3. As required by Local Rule 79-5(c)(2) and 79-5(f)(3), I submit this Declaration in
11 support of Caltech's Motion to Seal. I confirm that the document identified below, based on
12 current information and belief, contains information that is confidential and sealable.

13 4. The materials sought to be filed under seal were identified by Caltech as follows:

DOCUMENT	PORTIONS IDENTIFIED BY CALTECH FOR SEALING
Caltech's Reply in support of its Motion to Compel	Page 4, Lines 20, 24, 25 Page 5, Lines 6-7, 10

18 5. I understand and have been informed that a party seeking to seal "materials attached
19 to a discovery motion unrelated to the merits of a case" must show that "good cause" exists to seal
20 the materials. *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1097 (9th Cir. 2016). I
21 further understand that "[a] party asserting good cause bears the burden, for each particular
22 document it seeks to protect, of showing that specific prejudice or harm will result if no protective
23 order is granted." *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1130 (9th Cir. 2003).

24 6. "Good cause" exists for sealing of the identified materials, because disclosure of
25 that information would harm Broadcom's competitive and financial position, and because the
26 disclosure of these material would not aid in the public's understanding of the judicial process.

Executed January 11, 2023.

Amanda Swain

CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served this 11th day of January, 2023, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

By: /s/ Taylor Gooch
Taylor Gooch